HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:14196 OF 2007

Dated: 06.07.2007

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Between:

K. Shankar

..Petitioner

And

1. The Stn. Commander,
   Air Force Station, Begumpet,
   Hyderabad and others.

..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:14196 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner challenging the order, dated 1.9.2006 in R.A.No.19 of 2006 in O.A.No.1268 of 2003.

The petitioner herein is the applicant before the tribunal. He filed the above O.A. against the order, dated 13.6.2003 passed by the 1st respondent imposing the punishment of reduction of his pay to the minimum scale of the post of Watchman, and fixing his pay at Rs.2610/- for a period of four years w.e.f.1.12.2001 with cumulative effect.

The Tribunal having observed that the applicant was earlier punished on nine different occasions during the period from 1991 to 1999 for being found sleeping on duty post and was every time, he was left with censor and in view of the previous conduct of the applicant, the punishment imposed can not be said to be disproportionate so as to interfere with the same, rejected the O.A. Thereafter, the petitioner-applicant filed an application in R.A.No.19 of 2006 seeking to review the order of the tribunal in the above O.A. and the said review application has also been dismissed. Having aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondents.

Before going to deal with the case on hand, it is pertinent to note that the petitioner was punished on nine occasions for sleeping while he was on duty and for absence. Again on 17.12.1999, the applicant was charge-sheeted for his absence from duty without leave since 2.12.1999. On report of the enquiry Officer, he was punished and his pay was reduced from Rs.3280/- to Rs.2610/- for a period of four years w.e.f. 1.12.2001. Having aggrieved by the same, the applicant filed a revision and the revisionary authority vide order dated 25.2.2003 found the charges against the applicant proved, but the

matter was remitted to the disciplinary authority for fresh reasoned order. The disciplinary authority vide order dated 13.6.2003 imposed the same punishment, against which, the present O.A. and the review applicant were filed.

On a perusal of the order of the tribunal goes to show that the petitioner-applicant is a negligent and he was not diligent in discharging his duties. On previous occasions, though he was found guilty, he was left with censor, but he again repeated the same thing. In view of the previous conduct of the applicant, it can be said that the order of the disciplinary authority is sustainable and the same cannot be interfered with. In this view of the matter, we have no hesitation to hold that the tribunal is justified in rejecting the O.A. as well as the review application.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 6th July, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:14196 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

06/07/2007